

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|--------------------------------------------------|--------------------------------------------------------------------------------------------|--------------------------------------------|-------------------------------------------------------|------------------------------------|---------------------------------|
| Investigator: Abigail Shuster | Team: Squad #15 | CCRB Case #: 201409828 | <input checked="" type="checkbox"/> Force | <input type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Monday, 09/15/2014 6:30 PM | Location of Incident: Van Buren Street and Throop Avenue; 79th Precinct stationhouse | Precinct: 79 | 18 Mo. SOL 3/15/2016 | EO SOL 3/15/2016 | |
| Date/Time CV Reported Mon, 09/22/2014 2:59 PM | CV Reported At: CCRB | How CV Reported: Call Processing System | Date/Time Received at CCRB Mon, 09/22/2014 2:59 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------|--------------|
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| | | |
| | | |
| | | |

| Witness(es) | Home Address |
|-------------|--------------|
| | |

| Subject Officer(s) | Shield | TaxID | Command |
|-----------------------|--------|--------|---------|
| 1. POM Adam Dumelle | 07474 | 948001 | 079 PCT |
| 2. SGT David Leonardi | 04982 | 930557 | 079 PCT |
| 3. POF Pamela Benites | 13086 | 946728 | 079 PCT |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|------------------------|-----------|--------|----------|
| 1. POM Eduardo Cornejo | 13722 | 936390 | 079 PCT |
| 2. POM Terrence Howard | 10504 | 950599 | 079 PCT |

| Officer(s) | Allegation | Investigator Recommendation |
|----------------------|---------------------------------------------------------------------------------------------------------------------|-----------------------------|
| A.POM Adam Dumelle | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Adam Dumelle stopped § 87(2)(b) and § 87(2)(b) | |
| B.POF Pamela Benites | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Pamela Benites stopped § 87(2)(b) and § 87(2)(b) | |
| C.POM Adam Dumelle | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Adam Dumelle frisked § 87(2)(b) | |
| D.POM Adam Dumelle | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Adam Dumelle searched § 87(2)(b) | |
| E.POF Pamela Benites | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Pamela Benites frisked § 87(2)(b) | |
| F.POF Pamela Benites | Abuse: At Van Buren Street and Throop Avenue in Brooklyn PO Pamela Benites searched § 87(2)(b) | |
| G.POM Adam Dumelle | Force: At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle used physical force against § 87(2)(b) | |
| H.POM Adam Dumelle | Force: At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle used a chokehold against § 87(2)(b) | |
| I.SGT David Leonardi | Force: At Van Buren Street and Throop Avenue in Brooklyn, Sgt. David Leonardi used a taser against § 87(2)(b) | |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|------------------------------------------------------------------------------------------------------------------------|-----------------------------|
| J.SGT David Leonardi | Abuse: At the 79th Precinct stationhouse, Sgt. David Leonardi authorized the strip-search of § 87(2)(b) and § 87(2)(b) | |
| K.POM Adam Dumelle | Abuse: At the 79th Precinct stationhouse, PO Adam Dumelle searched § 87(2)(b)'s property. | |
| § 87(2)(g), § 87(4-b) | | |

Case Summary

On September 15, 2014, at approximately 6:30pm, § 87(2)(b) and § 87(2)(b) were standing in front of a grocery store, located at the intersection of Van Buren Street and Throop Avenue in Brooklyn, along with one or two unidentified males. They alleged the following: an unmarked police vehicle pulled up to the store, and PO Pamela Benites and PO Adam Dumelle approached § 87(2)(b) and § 87(2)(b) and stopped them (**Allegations A and B**). PO Dumelle, who approached § 87(2)(b) frisked and searched him (**Allegations C and D**). PO Benites then frisked and searched § 87(2)(b) before handcuffing him without further incident (**Allegations E and F**).

As PO Dumelle began turning § 87(2)(b) around to handcuff him, § 87(2)(b) inquired as to why he was being arrested, and PO Dumelle punched him twice on the right side of his face (**Allegation G**) before placing him in a chokehold in an effort to get § 87(2)(b) to the ground (**Allegation H**), where he landed facedown.

PO Eduardo Cornejo, PO Terrence Howard, and Sgt. David Leonardi, arrived at the scene to assist in § 87(2)(b)'s apprehension, and Sgt. Leonardi used a Taser against § 87(2)(b) (**Allegation I**).

At the 79th Precinct stationhouse, Sgt. Leonardi authorized strip-searches of § 87(2)(b) and § 87(2)(b) (**Allegation J**). PO Dumelle, prior to questioning § 87(2)(b) about the transaction, searched the contents of § 87(2)(b)'s cell phone (**Allegation K**). § 87(2)(b)'s arrest was voided, and § 87(2)(b) was charged with § 87(2)(b).

§ 87(4-b), § 87(2)(g)

Mediation, Civil and Criminal Histories

Because arrests were made, this case was determined to be ineligible for mediation. No notices of claim have been filed in regard to this incident (BR 31) § 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (BR 23).
- This is the first CCRB complaint in which § 87(2)(b) or § 87(2)(b) has been a victim (BR 23).
- PO Adam Dumelle has served as a police officer for six years and has had 25 CCRB allegations pled against him, involving 12 cases and resulting in two substantiated allegations. His two substantiated allegations were a frisk and a search – two of the same allegations being pled against PO Dumelle in this case (BR 22).
- PO Pamela Benites has served on the police force for six years and has been the subject of 17 CCRB allegations involving ten cases, resulting in one substantiated allegation (BR 22). § 87(2)(g)

- Sgt. David Leonardi has served on the police force for 12 years and has had 59 CCRB allegations pled against him, involving 23 cases, resulting in eight substantiated allegations (BR 22). On two recent and separate occasions (case numbers 201401016 and 201408861), the allegation that Sgt. Leonardi authorized an unjustified strip search was substantiated § 87(2)(g)

Allegations Not Pled

- Failure to Obtain Medical Attention: Sgt. Leonardi testified that the Taser that he used against § 87(2)(b) was ineffective and that its prongs never made contact with his skin (BR 14). Sgt. Leonardi's Taser report contains the same information, and he similarly stated that the photos taken of § 87(2)(b)'s back did not indicate that the prongs made contact with his skin (BR). Sgt. Leonardi explained that he had declined to obtain medical attention for § 87(2)(b) because his Taser had never made contact with § 87(2)(b)'s skin. § 87(2)(b) himself, although he alleged to have felt its shock, reported no injuries as a result of the Taser (BR 13). § 87(2)(g)

Recommendations

Allegation A – Abuse of Authority – At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle stopped § 87(2)(b) and § 87(2)(b)

Allegation B – Abuse of Authority – At Van Buren Street and Throop Avenue in Brooklyn, PO Pamela Benites stopped § 87(2)(b) and § 87(2)(b)

Allegation C - Abuse of Authority – At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle frisked § 87(2)(b)

Allegation D – Abuse of Authority – At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle searched § 87(2)(b)

Allegation E – Abuse of Authority –At Van Buren Street and Throop Avenue in Brooklyn, PO Pamela Benites frisked § 87(2)(b)

Allegation F – Abuse of Authority –At Van Buren Street and Throop Avenue in Brooklyn, PO Pamela Benites searched § 87(2)(b)

It is undisputed that PO Dumelle and PO Benites stopped § 87(2)(b) and § 87(2)(b) and that PO Dumelle then frisked § 87(2)(b) and PO Benites then frisked § 87(2)(b). The civilians alleged that these stops and frisks occurred, and the officers acknowledged performing them (BR 12, BR 13, BR 16, BR 9).

§ 87(2)(b) stated that, immediately after frisking him, PO Dumelle searched his pockets (BR 13). § 87(2)(b) stated that PO Benites reached into one of his pockets after asking what § 87(2)(b) had handed him (BR 12). PO Dumelle testified that § 87(2)(b) was under arrest at the point the officers approached the two individuals, and PO Benites stated that both individuals were under arrest at that point (BR 9, BR 16). Though both officers denied having searched their respective arrestees, PO Dumelle testified that he saw PO Benites attempt to search § 87(2)(b) by reaching toward one of his pockets (BR 21).

§ 87(2)(g)

§ 87(2)(g)

PO Benites and PO Dumelle testified that they saw § 87(2)(b) engage in what appeared to be drug transactions with multiple individuals, the last of whom was § 87(2)(b). PO Dumelle testified that two or three unknown individuals approached § 87(2)(b) one at a time, made some sort of quick exchange, and then left on foot. In each case, the individuals took objects out of their pockets and § 87(2)(b) took objects out of his pocket or waist area and handed it to them, and they then left. After § 87(2)(b) rode up to § 87(2)(b) on a bicycle and made an exchange in the same manner as the other individuals, § 87(2)(b) took possession of § 87(2)(b)'s bicycle and began to walk off with it; PO Benites and PO Dumelle decided to stop § 87(2)(b) and § 87(2)(b) before either of them left.

Video footage captures the entirety of the time that § 87(2)(b) spent at the incident location (BR 5, Transcript: BR 33). No transactions between § 87(2)(b) and § 87(2)(b) or between any other individuals, are identifiable in the video. Immediately prior to the officers' approach, the video shows § 87(2)(b) standing in front of the grocery store for several minutes, having an extended conversation with two individuals when § 87(2)(b) rides up to them on his bicycle. § 87(2)(b) is seen handing § 87(2)(b) the bicycle, and § 87(2)(b) begins to walk away with it. The video, which freezes at several moments, does not capture any hand-to-hand contact or exchanges between the two individuals but shows them in close proximity. No money and no objects, other than § 87(2)(b)'s bicycle, are seen on video at any time prior to the officers' approach.

§ 87(2)(g)

§ 87(2)(g)

While PO Benites affirmed that she saw both money and objects – which she described as plastic bags she suspected of containing marijuana – being exchanged, PO Dumelle testified that he could not see whether money was exchanged at all, and due to his distance from where § 87(2)(b) was standing, he was unable to actually see any of the items which he believed were being exchanged. Since PO Benites was the driver and PO Dumelle was the passenger, and their vehicle was parked eastward of § 87(2)(b) along Van Buren Street, PO Dumelle was the officer closest to § 87(2)(b) at that time. Yet, it is PO Benites who claimed to have witnessed a transaction of money and objects – though she was unable to identify any transactions in viewing the video footage – while PO Dumelle testified that he was unable to see what was exchanged (BR 9, BR 16).

§ 87(2)(g)

Frisks and searches considered incidental to arrest are permissible only insofar as the arrest itself was lawful. People v. Reid, 24 N.Y.3d 615 (2014)(BR 32). Where officers observe neither currency nor the object being exchanged, these observations do not give rise to probable cause. People v. Thompson, 791 N.Y.S.2d 872. In order to frisk a person, an officer must have reasonable suspicion that the person is armed. People v. De Bour, 40 N.Y.2d 210 (1976). To search a person, an officer must have probable cause to believe the person has committed a crime. Id.

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation G – Force - At Van Buren Street and Throop Avenue in Brooklyn, PO Adam Dumelle used physical force against § 87(2)(b)

§ 87(2)(b) alleged that, after PO Dumelle searched him and began attempting to place him in handcuffs, § 87(2)(b) inquired as to why he was being arrested. In response, PO Dumelle punched § 87(2)(b) with a closed fist on the right side of his face, to which § 87(2)(b) asked, “Why are you punching me?”(BR 13).

§ 87(2)(b) who was standing nearby with PO Benites, observed § 87(2)(b)'s interaction with PO Dumelle. He testified that PO Dumelle told § 87(2)(b) to place his hands behind his back, to which § 87(2)(b) replied, “What for?” PO Dumelle, who was standing behind § 87(2)(b)

punched him twice on the right side of the face, and § 87(2)(b) shouted, “Why are you hitting me?” (BR 12).

§ 87(2)(b) who was standing across the street during the incident and who did not know § 87(2)(b) or § 87(2)(b) stated during his initial complaint narrative, as well as his telephone statement, that he witnessed PO Dumelle punch § 87(2)(b) in the face prior to taking him to the ground (BR 24 and BR 2). He did not repeat this allegation during his sworn testimony (BR 3).

§ 87(2)(b) who stood beside § 87(2)(b) and similarly did not know § 87(2)(b) or § 87(2)(b) stated in a telephone statement that she witnessed PO Dumelle punch § 87(2)(b) in his side after he was already on the ground (BR 8), but did not report having witnessed a punch prior to § 87(2)(b) being taken to the ground.

PO Dumelle denied having punched § 87(2)(b) prior to taking him to the ground, but acknowledged having given § 87(2)(b) “softening blows” to his ribs when struggling with him on the ground. PO Dumelle testified that, while standing, § 87(2)(b) became “feisty” when PO Dumelle tried to place him in handcuffs; PO Dumelle had to turn § 87(2)(b) around multiple times in an attempt to access and secure his wrists in the handcuffs, before deciding to bring him to the ground instead (BR 9). PO Benites stated that she did not witness PO Dumelle punch § 87(2)(b) (BR 16.).

§ 87(2)(g)
Firstly, § 87(2)(b) and § 87(2)(b) stated that PO Dumelle punched § 87(2)(b) on the right side of the face, with § 87(2)(b) testifying to witnessing two punches and § 87(2)(b) testifying to having been punched once. § 87(2)(b) stated that he observed PO Dumelle punch § 87(2)(b) once in the face. Secondly, all three of these civilians stated that the punch occurred before PO Dumelle took § 87(2)(b) onto the ground. Thirdly, both § 87(2)(b) and § 87(2)(b) testified that § 87(2)(b) reacted verbally to the punch; according to § 87(2)(b) § 87(2)(b) said, “Why are you hitting me?”, and according to § 87(2)(b) he asked, “Why are you punching me?” § 87(2)(g)

The video recording begins after § 87(2)(b) and PO Dumelle are already struggling on the ground, and therefore does not capture the moment in which the punch is alleged to have occurred. § 87(2)(b)'s arrest photograph does not visually indicate signs of being punched (BR 17).

Only PO Benites and PO Dumelle, § 87(2)(g) directly refuted that PO Dumelle punched § 87(2)(b) § 87(2)(g)

Officers are to use the minimum force necessary during a police incident. NYPD Patrol Guide 203-11 (BR 10).

§ 87(2)(b) stated that after PO Dumelle searched him, he attempted to pull § 87(2)(b)'s arms behind his back to handcuff him. He denied having pulled away from PO Dumelle, stating that he had only asked PO Dumelle a question about why he was being arrested (BR 13). § 87(2)(b) testified that § 87(2)(b) was not moving his body around or trying to get away from PO Dumelle prior to being punched and thrown to the ground (BR 3). Though § 87(2)(b) testified that § 87(2)(b) "tensed up" when PO Dumelle instructed him to place his hands behind his back, he could not further elaborate on what he meant by "tensed up" (BR 12).

PO Dumelle described § 87(2)(b)'s demeanor at the moment in question as "feisty," specifying that § 87(2)(b) had repeatedly turned around to prevent PO Dumelle from handcuffing him. He also stated that § 87(2)(b) was holding his left arm at chest-level in a "fighting stance" (BR 9), all of which contributed to PO Dumelle's decision to take § 87(2)(b) to the ground. PO Benites stated that § 87(2)(b) was resisting PO Dumelle's attempts to apprehend him, repeatedly turning around to avoid being handcuffed (BR 16).

§ 87(2)(g)
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§ 87(2)(g)
§ 87(2)(g)

Allegation H – Force – At Van Buren Street and Throop Avenue in Brooklyn, PO Dumelle used a chokehold against § 87(2)(b)

§ 87(2)(b) testified that he observed PO Dumelle walk behind § 87(2)(b) and place his bicep or firearm around § 87(2)(b)'s neck while § 87(2)(b) was standing against and facing the police vehicle. § 87(2)(b) initially described PO Dumelle's maneuver as a "headlock," but later qualified that he was unsure – because of his limited visibility – whether PO Dumelle made contact with § 87(2)(b)'s neck specifically or a bit lower. While his arm was placed around § 87(2)(b) in this manner, PO Dumelle threw § 87(2)(b) to the ground, meaning that he did not maintain contact with § 87(2)(b)'s neck for a sustained period of time (BR 3).

§ 87(2)(b) stated that, after punching him in the face, PO Dumelle grabbed § 87(2)(b) from behind, placing the inside of his forearm against § 87(2)(b)'s neck, pulling him to the ground as he simultaneously tripped him (BR 12). During his initial telephone statement, § 87(2)(b) specified that PO Dumelle's forearm was around the front of § 87(2)(b)'s neck (BR 11). During his sworn statement, § 87(2)(b) described the maneuver as "a swift grab," and that he did not believe that PO Dumelle was attempting to choke § 87(2)(b) by executing it (BR 12).

§ 87(2)(b) § 87(2)(g)
§ 87(2)(b) stated during her initial complaint narrative and again during her telephone statement that she witnessed PO Dumelle place § 87(2)(b) in a chokehold. She described witnessing PO Dumelle grab § 87(2)(b)'s neck and bring him to the ground (BR 8).

§ 87(2)(b) did not allege that he was placed in a chokehold, nor did he allege that PO Dumelle made any contact with his neck. Instead, he alleged that PO Dumelle threw him to the ground, but did not elaborate on how he did so (BR 13). During his previous telephone statement, § 87(2)(b) provided more detail as to how he was thrown to the ground, stating that PO Dumelle swept his legs from under him, causing him to fall (BR 7).

PO Dumelle denied making contact with § 87(2)(b)'s neck area in the process of taking him to the ground, or at any point in their interaction. He testified that he brought § 87(2)(b) to the ground by placing his foot in front of § 87(2)(b)'s legs and sweeping his feet out from under him (BR 9). PO Benites, instead, testified that § 87(2)(b) made his way to the ground on his own by putting his hands across his chest and leaning his upper body forward (BR 16). She stated that she never saw PO Dumelle place § 87(2)(b) in a chokehold or make any contact with § 87(2)(b)'s neck (BR 16). None of the video footage captured the moment in which the chokehold was alleged to have occurred (BR, BR 5, BR 33).

According to NYPD Patrol Guide Procedure 203-11, police officers are not permitted to place individuals in a chokehold. A chokehold is defined, though not exhaustively, as any maneuver which applies pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air (BR 10).

§ 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

Allegation I – Force - At Van Buren Street and Throop Avenue in Brooklyn, Sgt. David Leonardi used a Taser against § 87(2)(b)

It is undisputed that Sgt. Leonardi used a Taser against § 87(2)(b) while PO Dumelle, PO Benites, PO Cornejo, and PO Howard, were attempting to apprehend him. Not only do all three of the civilians and all five of the officers – including Sgt. Leonardi – testify as such, but the video footage provided by § 87(2)(b) captures Sgt. Leonardi yelling, “Stop or I’ll tase you! Stop or I’ll tase you!” pointing his Taser at § 87(2)(b) at which point the clicking sound of the Taser is audible (BR 4). Sgt. Leonardi prepared a Taser report after the incident, which notes that a Taser was used but that the prongs did not penetrate § 87(2)(b)'s clothing, only his skin (BR 27). The command log also notes that a Taser was used against § 87(2)(b) (BR 27).

§ 87(2)(g)

According to § 87(2)(b) it took the officers approximately five minutes to handcuff him, but he was unable to account for what occurred during those five minutes, or describe what he was doing with his body while on the ground (BR 13). § 87(2)(b) testified that he did not have a clear view of § 87(2)(b) at the time, but that he did not believe that § 87(2)(b) was resisting in any way prior to the Taser being used (BR 12). § 87(2)(b) testified that just prior to Sgt. Leonardi using the Taser, § 87(2)(b) appeared to already be restrained and was not fighting (BR 3).

Sgt. Leonardi testified that he chose to use the Taser against § 87(2)(b) because PO Dumelle had been unsuccessful in apprehending him, even with the assistance of two additional officers, and because Sgt. Leonardi was concerned for the injuries that a sustained struggle may cause for § 87(2)(b) and the officers. He stated that § 87(2)(b) was moving his arms around and attempting to move himself onto his hands and knees, refusing to give his hands to the officers. Fifteen seconds following his arrival, Sgt. Leonardi testified that he gave two verbal commands to § 87(2)(b) to stop or he would use the Taser, at which point he deployed his Taser one time. § 87(2)(b) stopped struggling with the officers despite the prongs failing to make contact with his skin, ostensibly because he saw the Taser and heard the clicking noise (BR 14).

The video footage generally corroborates the officers' account of the struggle. During the time that PO Dumelle is seen struggling with § 87(2)(b) § 87(2)(b) is crouching on all fours, as if attempting to stand up. § 87(2)(b) is moving his arms and legs around such that PO Dumelle is unable to handcuff him. Sgt. Leonardi can be heard yelling "Stop or I'll Tase you!" twice, and seconds later the clicking sound of the Taser is audible (BR 4, Transcript: BR 33).

NYPD Patrol Guide Procedure dictates that a Taser may be used only against individuals who are actively physically resisting arrest, exhibitive active physical aggression, or to prevent individuals from physically injuring themselves or other persons (BR 10).

§ 87(2)(g)

Allegation J – Abuse of Authority – At the 79th Precinct stationhouse, Sgt. David Leonardi authorized the strip-search of § 87(2)(b) and § 87(2)(b)

§ 87(2)(b) testified that, while alone in a cell in the 79th Precinct stationhouse, PO Eduardo Cornejo and PO Terrence Howard entered and asked him to remove all of his clothing, including his underwear, and to squat. No contraband was recovered from this strip-search, and § 87(2)(b) had not previously been made aware of the officers' intention to strip-search him. § 87(2)(b) believed that § 87(2)(b) was also strip-searched, but he could not see into § 87(2)(b)'s adjacent cell (BR 12).

§ 87(2)(b) testified that, while alone in a cell in the 79th Precinct stationhouse, PO Dumelle and a second officer, determined by the investigation to be PO Howard, instructed § 87(2)(b) to strip naked and squat. No contraband was recovered from this search (BR 13).

PO Benites and PO Dumelle both testified that they did not know whether § 87(2)(b) and § 87(2)(b) were strip-searched (BR 9 and BR 16). PO Howard stated that he did not know whether

§ 87(2)(b) and § 87(2)(b) were strip-searched, and denied having participated in performing a strip-search on either individual (BR 25). Sgt. Leonardi similarly stated that he did not recall whether he authorized strip-searches of these individuals; he acknowledged, however, that when an observation is made but no contraband is recovered, he may authorize a strip-search if the officers believe the individual has hidden contraband on his or her person (BR 14). The command log, where strip-searches must be noted, contains no notations indicating that a strip-search was performed on § 87(2)(b) or on § 87(2)(b) (BR 27). PO Cornejo, however, testified that Sgt. Leonardi authorized a strip-search for one or both of the arrestees. He did not recall the specific circumstances surrounding the strip-search, such as whether contraband was recovered, whether he performed the search himself, or why the search was authorized (BR 19).

§ 87(2)(g)

NYPD Patrol Guide Procedure 208-05 states that a strip-search may only be conducted when the arresting officer reasonably suspects that an individual is concealing weapons, contraband, or evidence in areas of his or her person in such a manner that they would remain concealed throughout previous search methods. A strip-search, which the NYPD Patrol Guide defines as any search in which an individual's undergarments or private areas are exposed, may not be routinely conducted as part of arrest processing (BR 10).

§ 87(2)(g)

§ 87(2)(b) and § 87(2)(b) but Sgt. Leonardi did not recall any other details regarding what was relayed. PO Cornejo testified that PO Dumelle and PO Benites had informed him that § 87(2)(b) and § 87(2)(b) were arrested for selling drugs, but was unable to recall specifically what these officers had told him. PO Howard simply stated that he was made aware that § 87(2)(b) and § 87(2)(b) were arrested for selling drugs, but knew nothing further. § 87(2)(g)

Furthermore, the NYPD Patrol Guide specifies that strip-searches are not to be performed on an individual whose arrest is being voided, § 87(2)(g)

§ 87(2)(g)

Two cases from the year 2014, case numbers 201401016 and 201408861, each substantiated the allegation that Sgt. Leonardi authorized strip-searches for arrestees where there was no indication that the civilians were concealing further contraband.

§ 87(2)(g)

§ 87(2)(g)

Allegation K – Abuse of Authority – At the 79th Precinct stationhouse, PO Adam Dumelle searched § 87(2)(b) s property.

§ 87(2)(b) alleged that, after being arrested and strip-searched at the 79th Precinct stationhouse, PO Dumelle searched the contents of his cell phone. In the process of questioning § 87(2)(b) about his interaction with § 87(2)(b) a conversation which lasted between ten and twenty minutes, PO Dumelle allegedly asked § 87(2)(b) why he had called § 87(2)(b) earlier that day, and informed § 87(2)(b) that if he refused to cooperate, he would be kept from seeing his son. § 87(2)(b) stated a record of his call to § 87(2)(b) and a photo of his son were contained on his cell phone, prompting his allegation that PO Dumelle had searched its contents (BR 12).

§ 87(2)(b) testified that he was held in a different cell, and did not report witnessing PO Dumelle with § 87(2)(b) s phone or searching it (BR 13).

PO Dumelle testified that he searched § 87(2)(b) and § 87(2)(b) in front of the desk at the stationhouse and vouchered their property. No contraband was recovered from this search, and PO Dumelle had no further interaction with § 87(2)(b). When Sgt. Leonardi informed PO Dumelle that § 87(2)(b) s arrest was being voided because no contraband was recovered from him, PO Dumelle relayed this information to § 87(2)(b) and escorted him out of the stationhouse. PO Dumelle denied having had any further conversation with § 87(2)(b) at the stationhouse regarding his arrest, his charges, or anything else. PO Dumelle stated that he did not recall whether § 87(2)(b) had a cell phone in his possession when he was arrested and did not recall having vouchered it. He stated that he did not search through § 87(2)(b) s cell phone or discuss any information obtained from the cell phone with § 87(2)(b) nor did he see or hear of any other officer doing so (BR 21).

PO Benites did not recall whether she was ever in possession of § 87(2)(b) s cell phone and denied having searched its contents, or observed any other officer do so (BR.). PO Cornejo, PO Howard, Sgt. Leonardi each testified that they did not observe PO Dumelle searching § 87(2)(b) s phone (BR 19, BR 25, BR 14).

An officer may perform a warrantless search of a cell phone only when there is probable cause to believe the cell phone contains evidence of a crime and exigent circumstances. Riley v. California, 134 S.Ct. 2473 (2014).

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

[REDACTED]

[REDACTED]

[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date